

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

**DCP MIDSTREAM MARKETING,
LLC,**

Plaintiff,

v.

**NEXTERA ENERGY MARKETING,
LLC,**

Defendant.

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CIVIL ACTION NO. 4:21-cv-01795

DCP'S DISCLOSURE IDENTIFYING A SPECIFIC FLORIDA UNITHOLDER

Plaintiff DCP Midstream Marketing, LLC ("DCP") files this Disclosure Identifying a Specific Florida Unitholder pursuant to the Court's September 9, 2021 initial status conference and hearing on DCP's Motion to Remand and the Court's September 10, 2021 Minute Entry and Order. As requested by the Court, DCP has identified at least one DCP Midstream unitholder with Florida citizenship, thereby precluding diversity jurisdiction in this matter. 28 U.S.C. § 1332(c)(1).

Pursuant to the Court's Order, DCP states that it has not identified any confirmed citizens of Florida for diversity jurisdiction purposes with respect to the "37 unitholders of record" referred to in DCP Midstream's 2020 Form 10-K, but DCP has confirmed the Florida citizenship of at least one DCP Midstream unitholder. In connection therewith, DCP has attached the 2021 Florida Profit Corporation Annual Report for a Florida corporation

that is a unitholder of DCP Midstream and a citizen of Florida for purposes of diversity jurisdiction, as reflected in the records of the Florida Secretary of State. *See* Exhibit A. This corporation is one of the many Florida unitholders that received Schedule K-1 Forms, reflecting their limited partnership interest in DCP Midstream. *See* Declaration of Kelly Carter in support of DCP's Reply in Support of Motion for Remand, Dkt. 17-1, ¶ 5 (stating that several thousand unitholders with addresses in Florida received Schedule K-1 Forms). Consistent with the Court's direction, DCP has redacted the Annual Report for this corporation to preserve the confidentiality of taxpayer information and will separately provide the Court with an unredacted copy for verification purposes.

Accordingly, DCP respectfully requests that the Court remand this case for lack of diversity jurisdiction.¹

Dated: September 20, 2021

Respectfully submitted,

/s/ Katherine G. Treistman

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¹ Consistent with the Court's Order, Dkt. 21, DCP will separately advise the Case Manager by September 30, 2021, if ruling on the motion to remand should be reserved while discussions towards amicable resolution continue.

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**Pro hac vice motions to be filed*

**ATTORNEYS FOR DCP MIDSTREAM
MARKETING, LLC**

CERTIFICATE OF SERVICE

I hereby certify that on September 20, 2021, I electronically filed the foregoing
DCP'S DISCLOSURE IDENTIFYING A SPECIFIC FLORIDA UNITHOLDER
with the Clerk of Court using the CM/ECF system, which will send notification of such
filing to the following e-mail addresses:

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/s/ Katherine G. Treistman
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